

**In re: STAN LOVETT AND KATHY LOVETT.  
AWA Docket No. 01-0035.  
Decision Without Hearing By Reason Of Default.  
Filed November 8, 2001.**

**AWA – Default – Failure to answer.**

Donald Tracy, for Complainant.

Respondent, Pro se.

*Decision and Order issued by Dorothea A. Baker, Administrative Law Judge.*

**Preliminary Statement**

This proceeding was instituted under the Animal Welfare Act (“Act”), as amended (7 U.S.C. § 2131 *et seq.*), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act.

Respondent Kathy Lovett signed the certified mail receipt for a copy of the complaint and the Rules of Practice governing proceedings under the Act, 7 C.F.R. §§ 1.130-1.151, on May 16, 2001. Respondent Stan Lovett signed the certified mail receipt for a copy of the complaint and the Rules of Practice governing proceedings under the Act, 7 C.F.R. §§ 1.130-1.151, on May 17, 2001. Respondents were informed in the letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the complaint would constitute an admission of that allegation.

Respondents Stan and Kathy Lovett have failed to file an answer within the time prescribed in the Rules of Practice, and the material facts alleged in the complaint, which are admitted as set forth herein by respondents’ failure to file an answer, are adopted and set forth herein as Findings of Fact and Conclusions of Law.

This decision and order, therefore, is issued pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139.

**Findings of Fact and Conclusions of Law**

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1. Stan Lovett and Kathy Lovett, hereinafter referred to as respondents, are individuals whose address is 19249 Beaver Lane, Hitchcock, South Dakota 57348.

2. The respondents, at all times material herein, were operating as a dealers as defined in the Act and the regulations.

3. When respondents became licensed and annually thereafter, respondents received copies of the Animal Welfare Act and the regulations and standards issued thereunder and agreed in writing to comply with them.

4. The respondents, at all times material herein, were operating as dealers as

defined in the Act and the regulations, without having obtained a license, in willful violation of section 4 of the Act (7 U.S.C. § 2134) and section 2.1 of the regulations (9 C.F.R. § 2.1). Respondents sold, in commerce, dogs to a licensed dealer on thirteen occasions. The sale of each animal constitutes a separate violation. Each violation occurred on or about the date listed in the following table:

DATE	ANIMALS
11/13/98	6 puppies
01/11/99	9 puppies
03/30/99	4 puppies
04/19/99	9 puppies
05/24/99	12 puppies
07/17/99	8 puppies
07/26/99	3 puppies
08/16/99	3 puppies
09/06/99	12 puppies
09/13/99	4 puppies
09/20/99	5 puppies
10/13/99	14 puppies
11/15/99	4 puppies

### **Conclusions**

1. The Secretary has jurisdiction in this matter.
2. The following Order is authorized by the Act and warranted under the circumstances.

### **Order**

1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from engaging in any activity for which a license is required under the Act and regulations without being licensed as required.

2. The respondents are jointly and severally assessed a civil penalty of \$3,750.00, which shall be paid by a certified check or money order made payable to the Treasurer of United States.

The provisions of this order shall become effective on the first day after this decision becomes final.

Pursuant to the Rules of Practice, this decision becomes final without further proceedings 35 days after service as provided in section 1.142 and 1.145 of the Rules of Practice.

7 C.F.R. §§ 1.142 and 1.145.

Copies of this decision shall be served upon the parties.

[This Decision and Order became final February 20, 2002.-Editor]

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